

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Jawvan E. Cook,

Plaintiff

V.

United States, et al.,

Defendants

2:16-cv-00069-JAD-VCF

Order Adopting Report and Recommendation

[ECF 2]

10 Jawwan E. Cook sues the United States, the State of Nevada, Las Vegas Metropolitan Police
11 Department (Metro), and John Doe Officers # 1–5 for allegedly unlawfully seizing him inside a
12 Blueberry Hill restaurant.¹ Magistrate Judge Ferenbach screened Cook’s complaint under 28 USC §
13 1915(e). He recommends that I dismiss with prejudice all claims against the United States and the
14 State of Nevada; dismiss with leave to amend all claims against Metro, Officers John Doe # 4 and #
15 5, and allow to proceed all claims against Officers John Doe # 1, # 2, and # 3.² Objections were due
16 by February 5, 2016. No party has filed objections or requested an extension to do so.

17 “[N]o review is required of a magistrate judge’s report and recommendation unless
18 objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also*
19 *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
20 Cir. 2003).

21 Accordingly, good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, and
22 DECREED that Magistrate Judge Ferenbach's Report and Recommendation [ECF 2] is
23 **ADOPTED:**

24 **All claims against the United States and the State of Nevada are DISMISSED with**
25 **prejudice;**

27 || 1 ECE 3

28 || 2 ECE 2

All claims against defendants **Las Vegas Metropolitan Police Department, Officer John Doe # 4, and Officer John Doe # 5** are DISMISSED with leave to amend. The claims against **Officer John Doe # 1, Officer John Doe # 2, and Officer John Doe # 3** may proceed;

IT IS FURTHER ORDERED that, if plaintiff wishes to file an amended complaint curing the deficiencies in his claims against Metro and Doe Officers # 4 and # 5 outlined in the report and recommendation, he must do so by **March 25, 2016**. If plaintiff does not file an amended complaint by that date, this action will proceed against Officers John Doe # 1, # 2, and # 3 only;

9 IT IS FURTHER ORDERED that plaintiff's amended complaint must contain all claims,
10 defendants, and factual allegations that he wishes to pursue in this lawsuit, and it must not contain
11 any claims or parties already dismissed with prejudice. If plaintiff chooses to file an amended
12 complaint, he must use the approved form and must write the words "First Amended" above the
13 words "Civil Rights Complaint" in the caption;

14 IT IS FURTHER ORDERED that The Clerk of the Court is directed to send plaintiff the
15 approved form for filing a §1983 complaint, instructions for the same, and a copy of his original
16 complaint.

17 Dated this 25th day of February 2016

Jennifer A. Dorsey
United States District Judge